

REMARKS

Applicant hereby replies to the Final Action mailed September 26, 2005. This response is filed within six months from September 26, 2005, and is filed with a request for extension of time and an RCE. Claims 1-18 and 31-33 were pending in the application and the Examiner rejects claims 1-18, 21-25 and 28-31. Applicant thanks the Examiner for allowing Claims 26, 27, 32 and 33. Claims 19 and 20 were previously cancelled without prejudice. Applicant amends independent claims 1, 17, 28 and 29. Support for the amendments may be found in the originally filed specification, claims, and figures. No new matter has been added by these amendments. Reconsideration of the application is respectfully requested.

Applicant appreciates the courtesies extended by the Examiner during the telephone conference held on March 22, 2006 with the undersigned attorney for Applicant. In the telephone conference, the Examiner advised Applicant to file an RCE and to focus this Reply on the distinctions between the cited patents and the present invention, as discussed below.

Claim Rejections -35 U.S.C. § 102(b)

The Examiner previously rejected pending claims 1, 2, 4, 7, 11, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Levey et al, U.S. Patent No. 5,566,695 ("Levey.") Applicant respectfully traverses.

Levey does not disclose all the elements of claim 1 or the other rejected claims, all of which depend from claim 1. Specifically, Levey does not disclose:

“b. a plurality of pucks, each puck structured to be removeably and automatically loaded onto the pallet to adapt a compartment to hold a second container size

and at least one of the pucks being removeably held by one of the compartments to adapt that compartment to hold a second container size; whereby the pallet can be repetitively and automatically configured to hold various desired combinations of containers of the first size and the second size at the same time by loading and unloading pucks from the pallet.”

In contrast, Levey teaches a structure configured such that it can only receive a plurality of identically-sized containers: “It is contemplated that sets of *containers of a given size* will be loaded onto container support trays which will be carried from one cascaded bay to the next on support rails. . . . In this manner, support trays of *containers of a particular size and shape* can be processed by operatively selecting the nozzle bank within the cleaning bay suitable to that particular size.” (See Levey, Column 3, lines 11-23). While Levey discloses different inserts that are provided to accommodate different container sizes, each insert can only accommodate containers of a certain size. That is, as confirmed in FIGS. 1, 2, 4, and 5, Levey merely concerns the use of fixed-spacing tray inserts 29, which may be installed on the support tray 17 to accommodate groups of containers, *all of one size*. Accordingly, a tray of Levey can either contain only large-sized containers, only medium-sized containers, or only small-sized containers.

In fact, Levey teaches *against* the use of individually configured compartments to hold various desired combinations of containers at the same time, because having assorted container sizes within a cleaning bay at the same time would run counter to Levey’s objective of operating a selected set of nozzle elements specifically tailored to clean a set of containers of a particular size. To this end, Levey discloses “two independently operable sets of nozzle elements . . .

adapted to clean different sized containers” and “in each cleaning bay, operatively selecting a set of nozzle elements depending on the size of the set of containers being processed.” (See Levey, Column 14, lines 44-55). Clearly, Levey contemplates having only a single-size set of containers in a cleaning bay at a time, so that a selected set of nozzle elements, specifically tailored to clean containers of a particular size, can be used.

Levey does not teach or suggest at least, a “pallet [that] can be repetitively and automatically configured to hold various desired combinations of containers of the first size and the second size **at the same time** by loading and unloading pucks from the pallet” as similarly recited in independent claim 1 (emphasis added).

Claims 2, 4, 7, 11, 13 and 14 variously depend from independent claim 1 and contain all the elements therein. Therefore, Applicant respectfully submits that claims 2, 4, 7, 11, 13 and 14 are differentiated from Levey at least for the same reasons as set forth above, in addition to their own respective features.

Claim Rejections -35 U.S.C. § 103(a)

The Examiner additionally rejects claims 3, 5, 6, 8, 9, 10, 12, and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Levey in view of Lasher et al., U.S. Patent No. 5,771,657 (“Lasher.”) Applicants respectfully traverse.

As discussed above, Levey does not teach or suggest at least a “pallet [that] can be repetitively and automatically configured to hold various desired combinations of containers of the first size and the second size **at the same time** by loading and unloading pucks from the pallet” as similarly recited in independent claim 1 (emphasis added).

While Lasher discloses a pallet that is configured to hold two different sized bottles at the same time (Fig. 4b), Lasher relies on the hope that the number of small bottles outnumbers the

number of large bottles by exactly 20:4. (col. 5, lines 1-7). Moreover, Lasher's pallet can only accommodate bottles having the same size diameter. (col. 5, lines 7-8). In contrast, the present invention can be "configured to hold various desired combinations of containers of the first size and the second size at the same time," thus enabling any ratio of containers of different size and/or diameter to be held together in the same pallet

Further still, the pallet of Lasher is not reconfigurable. Thus, as bottles move through the conveyor system, there will be a back-up or logjam if the number of larger or smaller diameter bottles does not conform to the pallet of Lasher. In order to rectify this logjam, the Lasher system will be forced to make inefficient runs in which not every compartment of the pallet are filled with bottles.

Moreover, if Lasher was combined with Levey, the result would be either (1) multiple pallets, each tailored to hold one specific container size, or (2) multiple pallets, each with a specific configuration relating to a possible configuration of containers to be loaded. The first option is limited in that it either will not allow for various-sized containers to be held in the same pallet at the same time (the Levey limitation, as described above). The second option would prove unbelievably cumbersome, as the number of permutations of small and large-sized containers in a 4x6 pallet are 16,777,216 (because Lasher discloses loading the bottles into the pallet in "scheduled positions" using an indexing table that loads the bottles in sequence) (col. 5, lines 57-65). As such, 16,777,216 pallets would be needed to accommodate each possible combination of small and large size bottles!

Accordingly, neither Lasher, nor Levey, nor any combination thereof teach or suggest at least: "a plurality of pucks, each puck structured to be removeably and automatically loaded onto the pallet to adapt a compartment to hold a second container size and at least one of the pucks

being removeably held by one of the compartments to adapt that compartment to hold the second container size; whereby the pallet can be repetitively and automatically configured to hold various desired combinations of containers of the first size and the second size at the same time by loading and unloading pucks from the pallet,” as similarly recited in independent claim 1.

Claims 3, 5, 6, 8, 9, 10, 12, and 15-16 variously depend from independent claim 1 and contain all the elements therein. Therefore, Applicant respectfully submits that claims 2, 4, 7, 11, 13 and 14 are differentiated from Levey in view of Lasher at least for the same reasons as set forth above, in addition to their own respective features.

The Examiner additionally rejects claims 17, 18, 21-25 and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over Lasher in view of Levey. Applicants respectfully traverse.

As explained above, neither Lasher, nor Levey, nor any combination thereof teach or suggest at least: “a puck configuration subsystem for automatically configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by inserting or removing pucks from the compartments,” as similarly recited in independent claim 17.

Claims 18, and 21-25 variously depend from independent claim 17 and contain all the elements therein. Therefore, Applicant respectfully submits that claims 18, and 21-25 are differentiated from Lasher in view of Levey at least for the same reasons as set forth above, in addition to their own respective features.

Nor does Lasher, or Levey, or any combination thereof teach or suggest at least or at least “a puck configuration subsystem for configuring each pallet to hold a desired combination of containers of the first container size and second container size at the same time by automatically

loading and unloading pucks from the container positions,” as similarly recited in independent claim 28.


Nor does Lasher, or Levey, or any combination thereof teach or suggest at least or at least “automatically loading the compartments of the pallet with containers of the first and second size, wherein containers of the first size are inserted into compartments without a puck and containers of the second size are inserted into compartments with a puck, the pallet being capable of holding containers of the first and second size at the same time,” as similarly recited in independent claim 29.

Claims 30 and 31 variously depend from independent claim 29 and contain all the elements therein. Therefore, Applicant respectfully submits that claims 30 and 31 are differentiated from Lasher in view of Levey at least for the same reasons as set forth above, in addition to their own respective features.

In view of the above remarks and amendments, Applicant respectfully submits that the pending claims properly set forth that which Applicant regards as its invention and are allowable over the cited patents. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner’s convenience, if that would help further prosecution of the subject Application.

Respectfully submitted,

Date: March 27, 2006

By: 

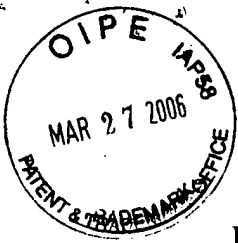
Emma Harty
U.S. Reg. No. 56,677
Bryan Cave LLP
One Metropolitan Square
211 N. Broadway, Ste. 3600
St. Louis, Missouri 63102-2750

EXPRESS MAIL NO. EV 497991307 US

Tele. (314) 259-2319

Facs. (314) 259-2020

E-mail: emma.harty@bryancave.com



EXPRESS MAIL NO. EV 497991307 US

CERTIFICATE OF FACSIMILE/MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence, along with any accompanying documents, pursuant to 37 C.F.R. § 1.10, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, mailing label No. **EV 497991307 US** on **March 27, 2006** and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Date: Mar 27, 2006 By: [Signature]